lating the sale of "distilled spirits or wines", *United States* v. *Stubblefield* (D. C.), 40 Fed. 454. Second, the reasonable possibility of using the "medicine" as a beverage, with resulting intoxication, has been taken as the standard by some courts; *Carl* v. *State,* 89 Ala. 93, 8 So. 156; *Davis* v. *State,* 50 Ark. 17, 6 S. W. 388; *In re Intoxicating Liquors,* 25 Kan. 751, 37 Am. Rep. 284; *James* v. *State,* 21 Tex. App. 353, 17 S. W. 422. Third, some courts, in accord with the principal case, and with what would seem the better reason, have made the intention of the seller, acting in good faith, the criterion by which to judge the legality of the sale. *Bertrand* v. *State,* 73 Miss. 51, 18 So. 545; *Russell* v. *Sloan,* 33 Vt. 656; contra, *Compton* v. *State,* 95 Ala. 25, 11 So. 69. Where this third standard is adopted, the question of what the seller's intention was, is for the jury. *State* v. *Huff,* 76 Ia. 200, 40 N. W. 720; *Owens* v. *People,* 56 Ill. App. 569; *Brooks* v. *State,* 65 Miss. 445 4 So. 343.

JUDGES—LIABILITY OF INFERIOR MAGISTRATES ACTING UNDER VOID STATUTE.—A municipal court, having inferior jurisdiction but given general cognizance of violations of municipal ordinances, tried and committed a cabman for violation of a city licensing ordinance, which was afterwards found to be void through non-compliance, by the council, with the statutory formalities. *Held,* in an action for false imprisonment, that neither the judge nor the arresting officer is liable because of want of jurisdiction. *Rush* v. *Buckley et al.* and *Rush* v. *Fairfield et al.* (1905), — Me. —, 61 Atl. Rep. 774.

The question is discussed in 3 MICHIGAN LAW REV. 486, in connection with the case of *Gilbert* v. *Satterlee* (1905), 91 N. Y. Suppl. 960, which is exactly in point, except that there the question of validity was raised on the trial, while here it was overlooked until afterwards. Previous decisions in Maine had held such magistrates and officers liable. In *Warren* v. *Kelly,* (1888), 80 Me. 512, the liability was even extended to a court of general jurisdiction proceeding in an action in rem, that remedy in such a case having been subsequently declared unconstitutional. This rule was formerly general, at least as to inferior magistrates. *Kelly* v. *Bemis,* 4 Gray 83. But the rule of immunity for action in good faith under a void statute, applied first to courts of superior jurisdiction (*Randall* v. *Brigham,* 7 Wall. 523; *Bradley* v. *Fisher,* 13 Wall. 335), has recently been extended to the inferior magistrate, provided only that the case in which he acted was one of a class of which he has general jurisdiction. His general and exclusive jurisdiction of causes of a certain class puts him, it is held, in relation to such causes in the position of a superior court, and he is entitled to the same immunities, *Henke* v. *McCord,* 55 Ia. 378. Most recent decisions take this view.

LANDLORD AND TENANT—LEASE—STIPULATIONS AS TO PAYMENT OF TAXES. —CONSTRUCTION.—The lessor stipulated in the lease to "save the lessee harmless from all taxes levied upon said premises." This covenant was preceded by a description of the land, a reservation of rent, an agreement giving the lessee a conditional right to purchase the premises, and one giving him a right to erect buildings thereon, which should be his personal property, and subject to removal